

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6208

BILL NUMBER: SB 81

NOTE PREPARED: Feb 18, 2010

BILL AMENDED: Feb 18, 2010

SUBJECT: Various Criminal Law Matters..

FIRST AUTHOR: Sen. Arnold

FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Criminal Law and Sentencing Policy Study Committee* – It establishes the 13-member criminal law and sentencing policy study committee to evaluate criminal laws and sentencing policies. It repeals laws establishing the Sentencing Policy Study Committee.
- B. *Resisting Law Enforcement and License Suspension* – It provides that the driver's license of a person convicted of resisting law enforcement while using a vehicle and: (1) exceeding the speed limit by at least 20 miles per hour; (2) committing criminal recklessness; or (3) engaging in reckless driving with a vehicle; may be suspended for one year after the date the person is convicted (if the person is not incarcerated) or released from incarceration for a first offense, and two years for a second or subsequent offense. It specifies in which court a petition for a hardship license must be filed. It requires the court to notify the Bureau of Motor Vehicles (BMV) of the person's conviction, and specifies that the convicted person has the burden of applying for a new or renewal license and establishing that the one-year or two-year period has elapsed.

Effective Date: Upon passage; July 1, 2010.

Explanation of State Expenditures: (Revised) *Criminal Law and Sentencing Policy Study Committee* – This bill establishes a 13-member study committee consisting of eight legislators, one person who has experience in administering probation programs, one trial court judge, the executive directors of the Prosecuting Attorneys Council and the Public Defender Council, and the commissioner of the Department of Correction, who will be a nonvoting member. The committee is to operate under the policies governing

study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members.

Under current law, the authorizing statute for the Sentencing Policy Study Committee was scheduled to expire on December 31, 2010. Consequently, this bill would be a continuation of past committee expenditures and not new expenditures for FY 2011.

The Indiana Criminal Justice Institute and the Legislative Services Agency would provide staff support to the committee.

(Revised) *Resisting Law Enforcement and License Suspension* – For the BMV, the suspensions required in this proposal will be handled under current suspension procedures and will require no additional expenditures on the part of the BMV. The fund affected is the Motor Vehicle Highway Account, which supports the BMV. The BMV has averaged about 328,000 suspensions annually for the period CY 2004 through CY 2008.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Criminal Justice Institute; Legislative Services Agency; BMV.

Local Agencies Affected: Courts.

Information Sources:

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